

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

5      Applicant(s): Shih-Hung Chao et al.

Serial No.: 10/708,245 Filing Date: 02/19/2004

Examiner: PIZIALI, JEFFREY J Art Unit: 2629

Docket No.: DECP0008USA

10 Title: POINTING DEVICE WITH FLEXIBLE SHAPE

To: Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

Subject: Status Inquiry

20 Dear Sirs,

The undersigned agent received a NOTICE OF DRAWING INCONSISTENCY WITH SPECIFICATION issued on 01/10/2008 and sent a response via UPS on 01/22/2008(Attachment 1). According to the tracking information provided by UPS, the document was delivered on 01/28/2008(Attachment 2). However, the returned postcard from USPTO has not been received so far and the Image File Wrapper in PAIR shows no record of the document.

30 The undersigned agent hereby respectfully requests the USPTO to return the postcard and update the record of IFW in private PAIR as soon as possible. Your quick response will be greatly appreciated.

Respectfully submitted,

Winston Hsu

Date: 03/02/2008

5 Winston Hsu, Patent Agent No. 41,526  
P.O. BOX 506, Merrifield, VA 22116, U.S.A.  
Voice Mail: 302-729-1562  
Facsimile: 806-498-6673  
e-mail : [winstonhsu@naipo.com](mailto:winstonhsu@naipo.com)

10

Note: Please leave a message in my voice mail if you need to talk to me.  
(The time in D.C. is 13 hours behind the Taiwan time, i.e. 9 AM in D.C.  
= 10 PM in Taiwan.)

## Attachment 1

PTO/SB/21 (11-07)

Approved for use through 11/30/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

### TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

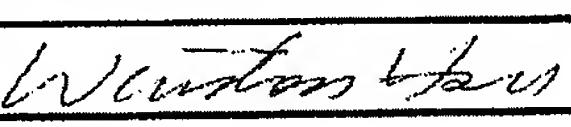
Total Number of Pages in This Submission

Application Number	10/708,245
Filing Date	02/19/2004
First Named Inventor	Shih-Hung Chao
Art Unit	2629
Examiner Name	PIZIALI, JEFFREY J
Total Number of Pages in This Submission	6
Attorney Docket Number	DECP0008USA

### ENCLOSURES (Check all that apply)

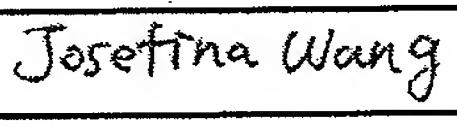
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	1. A copy of amendment to the Notice of Drawing Inconsistency with Specification dated Jan. 10, 2008.
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	2. A copy of Notice of Drawing Inconsistency with Specification dated Jan. 10, 2008.
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
	<input type="checkbox"/> Remarks	

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	North America Intellectual Property Corporation		
Signature			
Printed name	Winston Hsu		
Date	01/22/2008	Reg. No.	41,526

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Josefina Wang	Date	01/22/2008

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including the gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL

## For FY 2008

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

0.00

## Complete if Known

Application Number	10/708,245
Filing Date	02/19/2004
First Named Inventor	Shih-Hung Chao
Examiner Name	PIZIALI, JEFFREY J
Art Unit	2629
Attorney Docket No.	DECP0008USA

## METHOD OF PAYMENT (check all that apply)

Check  Credit Card  Money Order  None  Other (please identify): \_\_\_\_\_  
 Deposit Account Deposit Account Number: 50-3105 Deposit Account Name: North America Intellectual Property Corporation

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below  Charge fee(s) indicated below, except for the filing fee  
 Charge any additional fee(s) or underpayments of fee(s)  Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

## FEE CALCULATION

## 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fee (\$)	Small Entity	
Utility	310	155	510	255	210	105	_____
Design	210	105	100	50	130	65	_____
Plant	210	105	310	155	160	80	_____
Reissue	310	155	510	255	620	310	_____
Provisional	210	105	0	0	0	0	_____

## 2. EXCESS CLAIM FEES

## Fee Description

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Small Entity	
				Fee (\$)	Fee (\$)
- 20 or HP =	x	=		50	25
HP = highest number of total claims paid for, if greater than 20.				210	105
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	370	185
- 3 or HP =	x	=			
HP = highest number of independent claims paid for, if greater than 3.					

## 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$260 (\$130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x		=

## 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): \_\_\_\_\_

## SUBMITTED BY

Signature	<i>Winston Hsu</i>	Registration No. 41,526 (Attorney/Agent)	Telephone 3027291562
Name (Print/Type)	Winston Hsu		Date 01/22/2008

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## POINTING DEVICE WITH FLEXIBLE SHAPE

Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

## AMENDMENT

Sir:

5 In response to the Notice of Drawing Inconsistency with Specification of January 10,  
2008, please amend the above-identified application as follows:

**Amendments to the Specification** begin on page 2 of this paper.

Remarks/Arguments begin on page 3 of this paper.

**Amendments to the Specification:**

Please delete paragraphs [0019], [0026], [0027], and [0028].

**REMARKS/ARGUMENTS**

Figure 6 is listed in the Brief Description of the Drawings, but not contained in the drawings:

**5 Response:**

Paragraphs [0019], [0026], [0027], and [0028] of the specification have been amended to remove mention of Figure 6.

Acceptance of the corrected specification is respectfully requested.

10

Sincerely yours,

Winston Hsu

Date: 01/22/2008

Winston Hsu, Patent Agent No. 41,526

15 P.O. BOX 506, Merrifield, VA 22116, U.S.A.

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# UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,245	02/19/2004	Shih-Hung Chao	DECP0008USA	2244
7590	01/10/2008			EXAMINER
NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION P.O. BOX 506 MERRIFIELD, VA 22116			PIZIALI, JEFFREY J	
			ART UNIT	PAPER NUMBER
			2629	
			NOTIFICATION DATE	DELIVERY MODE
			01/10/2008	ELECTRONIC

## NOTICE OF DRAWING INCONSISTENCY WITH SPECIFICATION

2-19-04

The drawings filed 2-15-07 have been received. However, an inconsistency exists between the drawings and the Brief Description of the Drawings in the specification.

Figures 6 are listed in the Brief Description of the Drawings in the specification but not contained in the Drawings.

Figures \_\_\_\_\_ are contained in the Drawings but not listed in the Brief Description of the Drawings in the specification.

Applicant is required to correct the above-noted inconsistency within a time period of **ONE MONTH OR THIRTY (30) DAYS, whichever is longer**, from the mailing date of this Notice, or within the time remaining in the time period set forth in the Notice of Allowability (Form PTOL-37) to file corrected drawings, whichever is longer. **NO EXTENSION OF THIS TIME PERIOD MAY BE GRANTED UNDER EITHER 37 CFR 1.136 (a) OR (b).**

Failure to correct the above noted inconsistency will result in abandonment of the application.

The file will be held in the Publishing Division to await the correction of the inconsistency.

### Return Corrected Drawings/Specification to:

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Office of Patent Publication/Publishing Division  
Customer Service: 703-308-6789  
1-888-786-0101

## Attachment 2

**Delivery Notification**

Dear Customer,

This is in response to your request for delivery information concerning the shipment listed below.

**Tracking Number:** 1Z 2R5 03F 04 9764 776 6

**Service:** UPS SAVER

**Shipped/Billed On:** 22/01/2008

**Delivered On:** 28/01/2008 9:52

**Delivered To:** ALEXANDRIA , VA , US

**Signed By:** RR

**Location:** MAIL ROOM

Thank you for giving us this opportunity to serve you.

Yours sincerely,  
UPS

Tracking results provided by UPS: 02/03/2008 21:26 ET